

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Verobluе Farms USA, Inc.,

Plaintiff,

—v—

Leslie A. Wulf, *et al.*,

Defendants.

JAN 30 2020

19-mc-375 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

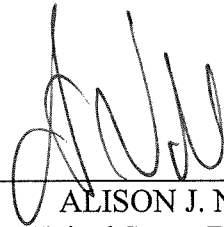
On January 15, 2020, the Court ordered the subject of the subpoena, Cannacord Genuity, LLC, to clarify whether it gives its consent to transfer pursuant to Rule 45(f). Cannacord responded by declining to give its consent to transfer for the time being. Cannacord noted that it and other defendants had filed dispositive motions to dismiss in the underlying action in the Northern District of Texas, *VeroBlue Farms USA, Inc. v. Wulf, et al.*, No. 3:19-cv-00764-X, and that the Texas court had stayed all discovery pending a decision on the motions to dismiss. Dkt. No. 23. Cannacord proposed that that this Court “adjourn the time when Canaccord must notify this Court about whether it will consent to a transfer until seven days after the Texas court rules on the pending motions to dismiss.” *Id.* Verobluе Farms, for its part, requested that this Court retain venue over the motion to compel. Dkt. No. 24.

The Court adopts Cannacord’s proposal. “[S]ubpoenas under Rule 45 are clearly not meant to provide an end-run around the regular discovery process under Rules 26 and 34.” *See Burns v. Bank of Am.*, No. 03-cv-1685, 2007 U.S. Dist. LEXIS 40037, at \*46 (S.D.N.Y. June 4, 2007); *see also Forsythe v. Midland Funding LLC*, Case No. 18-cv-3276, 2019 U.S. Dist. LEXIS

8568, at \*5 (E.D.N.Y. Jan. 17, 2019). All discovery is stayed in the underlying action, to which Cannacord is currently a party. The Court therefore stays this action as well. Within seven days of the Texas court's decision on the pending motions to dismiss, Cannacord shall file a letter notifying the Court whether it gives its consent to transfer under Rule 45(f).

SO ORDERED.

Dated: January 30, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', is written over a horizontal line.

ALISON J. NATHAN  
United States District Judge